

रजिस्टर्ड नं ० पी ० ४६१.



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शनिवार, 5 मई, 1973/15 वैशाख, 1895

GOVERNMENT OF HIMACHAL PRADESH

**VIDHAN SABHA SECRETARIAT
NOTIFICATIONS**

Simla-4, the 19th April, 1973

No. 10-15/73-VS.—In pursuance of rule 135 of the Rules of Procedure and Conduct of Business of the Himachal Pradesh Legislative Assembly, the Societies Registration (Himachal Pradesh Amendment) Bill, 1973 as

introduced in the Assembly on the 19th April, 1973 is hereby published in the Government Gazette.

S. S. KANWAR,
Secretary

Bill No. 17 of 1973.

THE SOCIETIES REGISTRATION (HIMACHAL PRADESH AMENDMENT) BILL, 1973

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A
BILL

to amend the Societies Registration Act, 1860 (Act No. 21 of 1860) in its application to Himachal Pradesh.

Be it enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Societies Registration (Himachal Pradesh Amendment) Act, 1973.

(2) It shall extend to the whole of Himachal Pradesh;

(3) It shall come into force at once.

Short title,
extent and
commencement.

21 of 1860 2. In section 1 of the Societies Registration Act, 1860, (hereinafter referred to as the principal Act) for the words "of Joint stock Companies" the words "to be appointed by the State Government, by notification in the Official Gazette, for carrying out the purposes of the Act", shall be substituted.

Amendment
of section 1.

3. In section 3 of the principal Act, for "full stop" occurring in the end, the "colon" shall be substituted and thereafter the following proviso shall be added:—

Amendment
of section 3.

"Provided that the State Government may, by notification in the Official Gazette, exempt any particular society or class of societies from the payment of registration fee.".

4. In section 4 of the principal Act,—

Amendment
of section 4.

(a) the words "of Joint stock Companies" shall be omitted; and
(b) at the end the following words shall be added, namely:—

"If a society makes default in complying with the requirements of this section, it shall be liable to a fine not exceeding fifty rupees.".

5. In section 12 of the principal Act, after the words "other society", " shall be omitted and thereafter the words "or whenever the governing body of any society registered under this Act decides to change the name of the society," shall be inserted.

Amendment
of section
12.

6. After section 12 of the principal Act, the following new sections shall be inserted, namely:—

Insertion of
sections 12-
A and 12-B.

"12-A. Registration of change of name.—

(1) where a proposition for change of name has been agreed to and confirmed in the manner prescribed by section 12, a copy of the proposition so agreed to and confirmed shall be forwarded to the Registrar of societies for registering the change of name. If the proposed name is identical with that by which any other existing society has been registered, or in the opinion of the Registrar so

nearly resembles such name as to be likely to deceive the public or the members of either society, the Registrar shall refuse to register the change of name.

(2) Save as provided in sub-section (1) the Registrar shall, if he is satisfied that the provisions of this Act in respect of change of name have been complied with, register the change of name and issue a certificate of registration altered to meet circumstances of the case. On the issue of such a certificate the change of name shall be complete.

(3) The Registrar shall charge for any copy of a certificate issued under sub-section (2) a fee of rupee one and all fees so paid shall be accounted for to the State Government.

12-B. *Effect of change of name.*—The change in the name of a society shall not affect any rights or obligations of the society or render defective any legal proceeding by or against the society; and any legal proceeding which might have been continued or commenced by or against it by its former name may be continued or commenced by or against it by its new name.”.

Amendment of section 18. 7. In section 18 of the principal Act, the words “of Joint stock Companies” shall be omitted.

Amendment of section 19. 8. In section 19 of the principal Act, for the word “two annas” the words “twenty-five paise” shall be substituted.

Insertion of new section 21. 9. After section 20 of the principal Act, the following new section shall be inserted, namely:—

“21. *Cognizance of Offences.*—No court inferior to that of a magistrate of the first class shall try any offence under this Act, nor shall cognizance of any such offence be taken except on a complaint in writing by the Registrar or any person authorised by him in writing in this behalf.”.

Repeal and savings. 10. The enactments mentioned in the schedule are repealed to the extent specified in the fourth column thereof.

Notwithstanding such repeal, anything done or any action taken including any orders, notifications or rules made or issued in exercise of the powers conferred by or under any of the repealed Acts mentioned in the schedule shall, to the extent of its being consistent with the provisions of this Act, be deemed to have been done or taken in exercise of the powers conferred by or under this Act.

SCHEDULE
(See section 10)

| Number and year 1 | Short title of enactments 2 | Areas where applicable 3 | Extent of repeal 4 |
|----------------------------|--|--|-----------------------|
| 31 of 57 | The Societies Registration (Punjab Amendment) Act, 1957. | Whole of Himachal Pradesh | The whole |
| 32 of 48 | The Societies Registration (East Punjab Amendment) Act, 1948. | In the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966 (31 of 1966). | -do- |
| 6 of 49 | The Societies Registration (East Punjab Amendment) Act, 1949. | -do- | -do- |
| 14 of 61 | The Societies Registration (Punjab Amendment) Act, 1961. | -do- | -do- |
| 8 of 65 | The Societies Registration (Himachal Pradesh Amendment) Act, 1965. | In the areas which comprised in Himachal Pradesh immediately before 1st November, 1966. | -do- |

STATEMENT OF OBJECTS AND REASONS

At present the Societies Registration (East Punjab Amendment) Act, 1948, the Societies Registration (East Punjab Amendment) Act, 1949, the Societies Registration (Punjab Amendment) Act, 1957 and the Societies Registration Act (Punjab Amendment) Act, 1961 are in force in the areas transferred to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966 and the Societies Registration (Punjab Amendment) Act, 1957 and the Societies Registration (Himachal Amendment) Act, 1965 are in force in the areas which comprised in Himachal Pradesh immediately before 1st November, 1966. With a view to bring about uniformity in laws as in force in two different parts of Himachal Pradesh, it is necessary to have unified law on the subject for the whole of Himachal Pradesh. This Bill seeks to achieve the aforesaid object.

DES RAJ MAHAJAN,
Minister-in-charge.

SIMLA

The 19th April, 1973.

FINANCIAL MEMORANDUM

This Bill is solely intended to bring about unification in the matter of law relating to the registration of societies as at present in force in the areas which comprised in the Himachal Pradesh immediately before 1st November, 1966 and the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966. No extra expenditure out of the Government revenues is involved in the working of the proposed law as no additional establishment is required to be provided for its implementation.

Clause 3 of the Bill empowers the State Government to exempt any particular society or class of societies from the payment of registration fee. Clause 4 of the Bill empowers the State Government to impose a penalty of upto Rs. 50 if a society makes default in complying with the requirements of section 4 of the principal Act. Under Clause 6 a fee of Re. 1 is chargeable for the issue of the certificate of altered registration. Vide clause 8, the rate of fee, to be charged for the supply of the certified copy of an extract of any document under section 19 of the principal Act, has been raised from "two annas" for every hundred words to "twenty-five paise" for every hundred words. No doubt there is likelihood of the increase of the Government revenues on account of the aforesaid imposition of penalties and fee to be realised under the provisions of the Bill, but it is not possible to anticipate the correct quantum of such increase in the Government revenues.

MEMORANDUM REGARDING DELEGATED LEGISLATION
Nil

STATEMENT OF PROVISIONS OF THE PRINCIPAL ACT AFFECTED BY
THIS AMENDMENT BILL

Section Existing provision as contained in the principal Act Provision as it will stand after the amendment of the Bill

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1. Any seven or more persons associated for any literary, scientific or charitable purpose, or for any such purpose as is described in section 20 of this Act, may, by subscribing their names to a memorandum of association and filing the same with the Registrar of *Joint stock Companies* form themselves into a society under this Act.

Any seven or more persons associated for any literary, scientific or charitable purpose, or for any such purpose as is described in section 20 of this Act, may, by subscribing their names to a memorandum of association and filing the same with the Registrar to be appointed by the State Government by notification in the Official Gazette, for carrying out the purposes of the Act, form themselves into a society under this Act.

3. Upon such memorandum and certified copy being filed, the registrar shall certify under his hand that the society is registered under this Act. There shall be paid to the registrar for every such registration a fee of fifty rupees, or such smaller fee as the State Government may, from time to time, direct; and all fees so paid shall be accounted for to the State Government.

Upon such memorandum and certified copy being filed, the registrar shall certify under his hand that the society is registered under this Act. There shall be paid to the registrar for every such registration a fee of fifty rupees, or such smaller fee as the State Government may, from time to time, direct; and all fees so paid shall be accounted for to the State Government:

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X

X

Provided that the State Government may, by notification in the Official Gazette, exempt any particular society or class of societies from the payment of registration fee.

4. Once in every year, on or before the fourteenth day succeeding the day on which, according to the rules of the society, the annual general meeting of the society is held, or, if the rules do not provide for an annual general meeting, in the month of January, a list shall be filed with the Registrar of *Joint stock Companies* of the names, addresses and occupations of the governors, council, directors, committee or other governing body then entrusted with the management of the affairs of the society.

Once in every year, on or before the fourteenth day succeeding the day on which according to the rules of the society, the annual general meeting of the society is held, or, if the rules do not provide for an annual general meeting, in the month of January, a list shall be filed with the Registrar of the names, addresses and occupations of the governors, council, directors, committee or other governing body then entrusted with the management of the affairs of the society. If a society makes default

in complying with the requirements of this section, it shall be liable to a fine not exceeding fifty rupees.

12. Whenever it shall appear to the governing body of any society registered under this Act, which has been established for any particular purpose or purposes, that it is advisable to alter, extend or abridge such purpose to or for other purposes within the meaning of this Act, or to amalgamate such society either wholly or partially with any other society, such governing body may submit the proposition to the members of the society in a written or printed report and may convene a special meeting for the consideration thereof according to the regulations of the society;

Whenever it shall appear to the governing body of any society registered under this Act, which has been established for any particular purpose or purposes, that it is advisable to alter, extend or abridge such purpose to or for other purposes within the meaning of this Act, or to amalgamate such society either wholly or partially with any other society or whenever the governing body of any society registered under this Act decides to change the name of the society, such governing body may submit the proposition to the members of the society in a written or printed report and may convene a special meeting for the consideration thereof according to the regulations of the society;

but no such proposition shall be carried into effect unless such report shall have been delivered or sent by post to every member of the society ten days previous to the special meeting convened by the governing body for the consideration thereof, nor unless such proposition shall have been agreed to by the votes of three-fifths of the members delivered in person or by proxy, and confirmed by the votes of three-fifths of the members present at a second special meeting convened by the governing body at an interval of one month after the former meeting.

but not such proposition shall be carried into effect unless such report shall have been delivered or sent by post to every member of the society ten days previous to the special meeting convened by the governing body for the consideration thereof, nor unless such proposition shall have been agreed to by the votes of three-fifths of the members delivered in person or by proxy, and confirmed by the votes of three-fifths of the members present at a second special meeting convened by the governing body at an interval of one month after the former meeting.

12-A.

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Registration of change of name.—(1)
Where a proposition for change of name has been agreed to and confirmed in the manner prescribed by section 12, a copy of the proposition so agreed to and confirmed shall be forwarded to the Registrar of societies for registering the change

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of name. If the proposed name is identical with that by which any other existing society has been registered, or in the opinion of the Registrar so nearly resembles such name as to be likely to deceive the public or the members of either society, the Registrar shall refuse to register the change of name.

(2) Save as provided in sub-section (1), the Registrar shall, if he is satisfied that the provisions of this Act in respect of change of name have been complied with, register the change of name and issue a certificate of registration altered to meet circumstances of the case. On the issue of such a certificate the change of name shall be complete.

(3) The Registrar shall charge for any copy of a certificate issued under sub-section (2) a fee of rupee one and all fees so paid shall be accounted for to the State Government.

12-B.

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Effect of change of name.—The change in the name of a society shall not affect any rights or obligations of the society or render defective any legal proceeding by or against the society; and any legal proceeding which might have been continued or commenced by or against it by its former name may be continued or commenced by or against it by its new name.

18. In order to any such society as is mentioned in the last preceding section obtaining registry under this Act, it shall be sufficient that the governing body file with the Registrar of *Joint stock Companies* a memorandum showing the name of the society, the objects of the society, and the names, addresses and occupations of the governing body, together with a copy of the rules and regulations of the society certified as provided in section 2, and a copy of the report of the proceedings of the general meeting at which the registration was resolved on.

In order to any such society as is mentioned in the last preceding section obtaining registry under this Act, it shall be sufficient that the governing body file with the Registrar a memorandum showing the name of the society, the objects of the society, and the names, addresses and occupations of the governing body, together with a copy of the rules and regulations of the society certified as provided in section 2, and a copy of the report of the proceedings of the general meeting at which the registration was resolved on.

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19. Any person may inspect all documents filed with the registrar under this Act on payment of a fee of one rupee for each inspection, and any person may require a copy or extract of any document or any part of any document, to be certified by the registrar, on payment of *two annas* for every hundred words of such copy or extract; and such certified copy shall be *prima facie* evidence of the matters therein contained in all legal proceedings whatever.

Any person may inspect all documents filed with the registrar under this Act on payment of a fee of one rupee for each inspection, and any person may require a copy or extract of any document or any part of any document, to be certified by the registrar, on payment of *twenty-five paise* for every hundred words of such copy or extract; and such certified copy shall be *prima facie* evidence of the matters therein contained in all legal proceedings whatever.

21. x x x

Cognizance of offences.—No court inferior to that of a magistrate of the first class shall try any offence under this Act, nor shall cognizance of any such offence be taken except on a complaint in writing by the Registrar or any person authorised by him in writing in this behalf.”.

Simla-4, the 19th April, 1973

No. 10-18/73-VS.—In pursuance to rule 135 of the Rules of Procedure and Conduct of Business of the Himachal Pradesh Legislative Assembly, the Himachal Pradesh General Sales Amendment) Bill, 1973 as introduced in the Assembly on the 19th April, 1973 is hereby published in the Government Gazette.

S. S. KANWAR,
Secretary.

Bill No. 18 of 1973.

THE HIMACHAL PRADESH GENERAL SALES TAX (AMENDMENT)
BILL, 1973

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)
A
BILL

further to amend the Himachal Pradesh General Sales Tax Act, 1968 (Act No. 24 of 1968).

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Himachal Pradesh General Sales Tax (Amendment) Act, 1973.

(2) It shall be deemed to have come into force on the twelfth day of April, 1971.

2. In section 2 of the Himachal Pradesh General Sales Tax Act, 1968 (hereinafter referred to as the principal Act), the following amendments shall be carried out:—

(a) for “.” occurring at the end of clause (p) the “;” shall be substituted; and

(b) after clause (p) so amended the following clause (q) shall be added, namely:—

“(q) “small scale industries” means all industrial units with a capital investment of not more than rupees 7.5 lakhs irrespective of the number of persons employed.

Explanation.—In this clause ‘Capital Investment’ means investment in plant and machinery only”.

3. In sub-section (1) of section 42 of the principal Act, after the words “cottage industries” the words “or small scale industries” shall be inserted.

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42.

STATEMENT OF OBJECTS AND REASONS

The Rules regarding grant of incentives to Industries in Himachal Pradesh, 1971, provide that with effect from 12th April, 1971, no sales/purchase tax will be charged from the small scale industries registered with the Industries Department. In the case of new industries, the period for this concession will be five years and for those already established 3 years. With a view to empower the Government to grant sales/purchase tax exemption to small scale industries with effect from the aforesaid date it is proposed to amend the Himachal Pradesh General Sales Tax Act, 1968. The Bill seeks to achieve this object.

SIMLA:
The 19th April, 1973.

LAL CHAND PRARTHI,
Minister-in-charge.

FINANCIAL MEMORANDUM

The grant of sales-tax concession to small scale industries through this amendment Bill will cost the State exchequer Rs. 10 lakhs per year. The amount of loss will increase progressively.

MEMORANDUM ON DELEGATED LEGISLATION

Nil

RECOMMENDATIONS OF THE GOVERNOR UNDER ARTICLE 207 OF THE CONSTITUTION OF INDIA

(The Excise and Taxation Department File No. 1-3/71-E&T Sectt.)

The Governor of Himachal Pradesh having been informed of the subject matter of the Himachal Pradesh General Sales Tax (Amendment) Bill, 1973, recommends under Article 207 of the Constitution of India, the introduction and consideration of the Bill in the Legislative Assembly of Himachal Pradesh.

STATEMENT OF PROVISIONS OF THE PRINCIPAL ACT AFFECTED
BY THIS AMENDING BILL

| Section 1 | Existing provision 2 | Provision as it will stand after the enactment of the Bill 3 |
|--------------|---|---|
| 2 | (1) In this Act, unless there is any thing repugnant in the subject or context,— | (1) In this Act, unless there is anything repugnant in the subject or context,— |
| x | x x x | x x x |
| | (p) “Surcharge” means the levy described in section 6-A of this Act. | (p) “surcharge” means the levy described in section 6-A of this Act; |
| x x x x x | | (q) “small scale industries” means all industrial units with a capital investment of not more than Rs. 7.5 lakhs irrespective of the number of persons employed. |
| | | <i>Explanation.—In this clause, ‘Capital Investment’ means investment in plant and machinery only.</i> |
| 42(1) | The Government, if satisfied that it is necessary or expedient so to do in the interest of cottage industries, may, by notification, exempt any class of co-operative societies or persons from the payment of tax under this Act on the purchase or sale of any goods subject to such conditions as may be specified in such notification. | (1) The Government, if satisfied that it is necessary or expedient so to do in the interest of cottage industries or small scale industries, may, by notification, exempt any class of co-operative societies or persons from the payment of tax under this Act on the purchase or sale of any goods subject to such conditions as may be specified in such notification. |

**FOOD AND SUPPLIES DEPARTMENT
ORDER**

Simla-2, the 5th May, 1973

No. 11-3/73-Co-op.(F&S).—Whereas the Governor of Himachal Pradesh is of the opinion that for the maintenance of supplies and services essential to the life of the community and for securing the equitable distribution and availability of Wheat and its products at fair prices it is necessary to regulate the movement and transport of Wheat and its products;

Now, therefore, in exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), read with Order of Government of India, Ministry of Agriculture (Department of Food) No. GSR. 316 (E), dated the 20th June, 1972, GSR No. 452 (E), dated the 25th October, 1972 and GSR-168(E), dated the 13th March, 1973 and all other powers enabling him in this behalf, and with the prior concurrence of the Central Government, the Governor of Himachal Pradesh hereby makes the following Order, namely:—

1. (1) This Order may be called the Himachal Pradesh Wheat (Inter-district Movement Control) Order, 1973.

(2) It extends to the whole of the State of Himachal Pradesh.

(3) It shall come into force at once.

2. In this Order, unless the context otherwise requires:—

(a) "Wheat" includes all products of wheat excluding bran;

(b) "Director" means the Director of Civil Supplies, Himachal Pradesh or Deputy Director Civil Supplies, Himachal Pradesh or any other officer appointed by the Government to administer this order or any of the clauses of this order;

(c) "District Magistrate" means the District Magistrate of the District, and includes all the District Food and Supplies Controllers and all District Food and Supplies Officers and Sub-Divisional Magistrates in the State in their respective jurisdiction and any other officer appointed by the Government to exercise the powers and perform the duties of the District Magistrate under this order;

(d) "Government" means the Government of the State of Himachal Pradesh.

(e) "Inspector" means the Inspector, Civil Supplies and includes the Deputy Director Civil Supplies, Assistant Food and Supplies Officer and Sub-Inspector, Civil Supplies.

3. No person shall transport or attempt to transport or abet the transport of wheat by any means whatsoever, from any place in any district within the State of Himachal Pradesh to any other place outside the district, except under and in accordance with a permit issued by the Government or Director or District Magistrate or any officer authorised in this behalf by the Government:

Provided that nothing contained herein shall apply to the transport of wheat:—

(a) not exceeding five kilogram in weight in the aggregate by a *bona fide* traveller as part of his luggage;

(b) on Government account; or

(c) by and on behalf of the Food Corporation of India, established under the Food Corporation Act, 1964; or

Short title,
extent and
commencement.

Definitions.

Restriction
on move-
ment of
wheat.

- (d) for defence services under and in accordance with Military Credit Notes;
- (e) by or on behalf of such public agencies as may be approved by the Central Government with such conditions as it may impose:

Provided further that it shall be lawful for a person to transport under and in accordance with a permit granted by the District Magistrate having jurisdiction in this behalf subject to such directions as may be issued from time to time:—

- (i) seed wheat for *bona fide* agricultural purposes;
- or
- (ii) wheat produced on land owned or cultivated by the person seeking such transport for personal domestic consumption at his place of residence.

Explanation.—For the purposes of this clause “district” means revenue district but the State Government may from time to time by a notification constitute a district comprising of more than one revenue district.

4. (1) The Director, the District Magistrate, the Inspector or any Police Officer not below the rank of Head Constable or any other officer authorised by the State Government in this behalf may, with a view to securing compliance with the provisions of this Order, or to satisfying himself that this Order has been complied with,—

- (a) stop, search, or authorise any person to stop and search any person, boats, motor, vehicle or any other vehicle or receptacle used or intended to be used for the export of wheat;
- (b) enter and search or authorise any person to enter and search any place;
- (c) seize or remove or authorise the seizure or removal of the stock of wheat in respect of which he suspects that any provision of this Order has been, is being, or is about to be, contravened along with the packages, coverings or receptacles in which such wheat is found or the animals, vehicles, vessels, boats or other conveyances used in carrying such wheat and thereafter take or authorise the taking of all measures necessary for securing the production of packages, coverings, receptacles, animals, vehicles, vessels, boats or other conveyances so seized, in a court and for their safe custody pending such production;
- (d) examine or seize any books or accounts or documents which in his opinion would be useful for, or relevant to, any proceedings in respect of any contravention of this Order, and return such books of accounts and documents to the person from whom they were seized after copies thereof or extracts therefrom as certified by that person have been taken.

(2) The provisions of sections 102 and 103 of the Code of Criminal Procedure, 1898, relating to search and seizure shall, so far as may be, apply to searches and seizures under this clause.

5. The powers exercisable by the Director or the District Magistrate in this order shall also be exercisable by the Government.

M. S. MUKHERJEE,
Secretary.